

**REMARKS**

Claims 23-44 and 52-56 are pending. Claims 23, 33, 44, 53, and 56 have been amended. No new matter has been added.

Claims 53 and 56 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 23-44 and 52-56 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,773,025 to Penkar et al. ("Penkar").

**Rejection of Claims 53 and 56 under 35 U.S.C. § 112**

Claims 53 and 56 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. More specifically, the Examiner asserts that "[c]laims 53 and 56 are confusing as it recites the command variable and the secondary variable capable of being interpreted as only one of the listed variables, which conflicts with claims 23 and 44, which state that the variables must be different, and would therefore infer at least two variables." Accordingly, claims 53 and 56 have been amended to address only the command variable. Therefore, it is respectfully requested that this rejection be withdrawn.

**Rejection of Claims 23-44 and 52-56 under 35 U.S.C. § 102(b)**

Claims 23-44 and 52-56 are rejected under 35 U.S.C. § 102(b) as being anticipated by Penkar. This rejection is respectfully traversed.

Penkar fails to disclose each and every element recited in claims 23, 33, and 44. More specifically, Penkar fails to disclose "wherein the profile is created based on the command

variable and the secondary variable,” as recited in amended claim 23, “controlling, by a computer, the movement of the at least one moveable machine element based upon the command variable and the secondary variable,” as recited in amended claim 33, and “the profile is based on at least one selected command variable and a secondary variable,” as recited in amended claim 44. The specification recites, for example, that “[t]he profile according to the invention for movement control is, for example, possibly direct from the user program and/or by means of a graphic tool in the engineering system: which allows creation of the profile directly or via its derivative variables.” Para. [0032]. As one advantage, “[t]he absence of units makes it possible for different variables to be linked to one another, one variable being the command variable and another variable being the respective secondary variable.” Para. [0005].

Penkar relies on a combination of circular arc equations and spline equations to produce robot tip movement over the desired curved path. Col. 7, line 64 - col. 8, line 1. For each arc equation, the programmer determines three arc points and three coefficients for each spline equation. Col. 8, lines 11-13. A system executes a program that implements this path control. Col. 8, lines 16-17. As a result, Penkar uses existing mathematical equations and requires the programmer to enter arc points and coefficients. In contrast, the pending claims recite the use of a command variable and a secondary variable, which are then used to generate a profile for determining a path. Therefore, Penkar does not disclose each and every element as recited in claims 23, 33, and 44.

Thus, Penkar fails to teach each and every element of claims 23, 33, and 44. Accordingly, claims 23, 33, and 44 are believed to be allowable over the cited art. Because independent claims 23, 33, and 44 are believed to be allowable, claims 24-32, 34-43, and 52-56 are also believed to be allowable for at least the reason that they depend on claims 23, 33, and

44. Therefore, it is respectfully requested that the rejection under 35 U.S.C. § 102(b) be withdrawn.

**CONCLUSION**

Based on the foregoing remarks, Applicants respectfully request reconsideration and withdrawal of the rejection of claims and allowance of this application.

**AUTHORIZATION**

The Commissioner is hereby authorized to charge any additional fees which may be required for consideration of this Amendment to Deposit Account No. 50-3732, Order No. 03869-105012.

In the event that an extension of time is required, or which may be required in addition to that requested in a petition for an extension of time, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to Deposit Account No. 50-3732, Order No. 03869-105012.

Respectfully submitted,  
KING & SPALDING LLP

Dated: August 20, 2010

By: /Eric Sophir, Reg. No. 48,499/  
Scott T. Weingaertner Reg. No. 37,756  
Eric L. Sophir Reg. No. 48,499

**Correspondence Address:**

King & Spalding LLP  
1185 Avenue of the Americas, 37<sup>th</sup> Floor  
New York, NY 10036-4003  
(212) 556-2227 Telephone  
(212) 556-2222 Facsimile